

SUPREME COURT OF THE UNITED STATES

WHITTAKER CORPORATION *v.* PERRY D. JENKINS

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 85-2115. Decided October 20, 1986

The petition for a writ of certiorari is denied.

JUSTICE WHITE, with whom THE CHIEF JUSTICE joins,
dissenting.

The respondents in this case first moved for prejudgment interest 30 days after the entry of judgment in their favor. The District Court treated the motion as one to alter or amend the judgment, and denied it as untimely because it was not filed within ten days of the entry of judgment. See Fed. R. Civ. Proc. 59(e). The United States Court of Appeals for the Ninth Circuit reversed, holding that a motion for prejudgment interest made for the first time after entry of judgment is not a Rule 59(e) motion but a general motion governed by Fed. R. Civ. Proc. 7. 785 F. 2d 720, 723 (1986). This holding conflicts with *Goodman v. Heublin, Inc.*, 682 F. 2d 44, 45-47 (CA2 1982). I would grant certiorari to resolve this conflict.

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